FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3124 OF 2005
IN
WRIT PETITION NO.8066 OF 2003

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Anoop Sharma i/by S.M. Kazi for the petitioner.

Mr.Y.R. Naik for the Respondent No.1.

CORAM : R.S. MOHITE,J.
DATED : 05/12/2005.

P.C.

1. This civil application is filed seeking a relief that the stay granted during the pendency of the writ petition should be extended for a period of four weeks in order to allow the petitioner to file an appeal against the award. The petition in question was dismissed on 22.11.2005. Two weeks time has lapsed and this was sufficient time to file an appeal on an urgent basis. Apart from this, it prima facie appears that there was breach of undertaking given to this

court on 19.12.2003. The said undertaking indicates that petitioner was in possession of three shops admeasuring 405 sq.ft. each on plot Survey No.209, Hissa No.1/1B of Village Nachane, Dist. Ratnagiri. In reply to the civil application filed by the bank, it is stated that the property appears to have been disposed of in breach of this undertaking. Reliance was placed upon the notice received from an Advocate to the Court Receiver contending that the property has been purchased by a third party by registered sale deed on 7.9.2001. There is an evasive denial in respect of this affidavit in rejoinder to the effect that no document is created after this undertaking. In the circumstances, request for extension of stay is rejected. Liberty to the respondent No.1 to take out appropriate proceeding in respect of breach of undertaking given to this court. In view of the above facts, civil application is disposed of.

(R.S. MOHITE, J.)